

Judge Pro Tempore Funding

There are two funding sources for the Superior Court Judge Pro Tempore:

1. State Aid to the Court Fund, (commonly known as “Fill the Gap”): FY 12/13 = \$188,594.

A.R.S. §12-102.02 requires the Presiding Judge, Chairman of the Board of Supervisors, Clerk of the Superior Court, Presiding Justice of the Peace and an elected Justice of the Peace to submit a plan to the Arizona Supreme Court designed to improve criminal case processing. After the plan is approved, the Court can submit an application each year for grant funding to further the plan. Specific performance bench marks are set when the grant is approved and the Court must report to the Supreme Court on these bench marks at the conclusion of each annual grant period.

The initial Fill the Gap plan was submitted in 1998. The approved plan calls for a Superior Court Judge Pro Tempore “to manage the front end of the felony case processing system.” The “front end” of felony case processing includes Early Resolution Court, initial appearances, a consolidated arraignment calendar, setting firm trial dates, case management procedures and settlement conferences.

In the initial grant applications, the Superior Court Judge Pro Tempore was identified as the person to accomplish the “front end” processing. However, in order to best utilize the skills and talents of the various judges, the Judge Pro Tempore (Donna Beumler) was reassigned to the combined Juvenile Court caseload which includes all delinquency and dependency cases. Judge Beumler was also designated as the Presiding Juvenile Court Judge.

The Judge Pro Tempore is still an essential element of the plan and necessary for continued Fill the Gap funding. Under our current system, the presence of the Judge Pro Tempore allows another judge (Division Five) “to manage the front end of the felony case processing system.” It also allows the Division Five judge to conduct the Deferred Incarceration Program and the combined Probation Violation Calendar.

We have been able to meet all the performance bench marks set by the Supreme Court over the last several years. We are confident that we will continue to meet those bench marks this year and in the years to come under the felony case processing system we developed. It is highly likely that the Fill the Gap funding will continue under these circumstances.

The Cochise County Superior Court cannot sustain the current Fill the Gap plan in the absence of the Judge Pro Tempore. Most importantly, in the absence of the Judge Pro Tempore, Division Five will assume the combined Juvenile Court caseload and the Presiding Juvenile Court Judge responsibilities. The “front end” felony processing system will cease and the remaining three Bisbee Divisions will handle the criminal cases assigned to each division.

We would also need to revise our Fill the Gap plan if the Judge Pro Tempore is eliminated. It is hoped that we could utilize some of the funding in other areas but it would not be available to fund any of the remaining Superior Court Divisions.

2. Resolution 08-24, (commonly known as “Enhancement funds”): FY 12/13 = \$291,850.

The “Superior Court Enhancement Fund” under Section 5 of Resolution 08-24 was specifically established to fund the Superior Court Judge Pro Tempore. Section 5 further provides that those funds “shall be used to supplement, but not supplant, budgeted funds.” Section 1.2 of the Resolution provides: “The Court Enhancement Fund shall not be deemed to relieve the county of its funding responsibilities to the overall operation of the judicial branch.”

It seems apparent from the language of the Resolution that the Superior Court Enhancement Funds would not be available in the absence of a Superior Court Judge Pro Tempore. Given its intent and purpose, the most appropriate response to the elimination of the Superior Court Judge Pro Tempore would be to rescind the Resolution.

The total funding available for the Superior Court Judge Pro Tempore is \$480,444.

Judge Pro Tempore Cost

The total cost for the Pro Tempore Division, including the judge, a judicial administrative assistant, 1.8 courtroom clerk positions, 1 security officer, all supplies and administrative expenses, is \$384,413. It should be noted that the Judge Pro Tempore has no paid leave, no sick leave and no health benefits.

Bottom Line

Both “Fill the Gap” and “Superior Court Enhancement” are funded exclusively from court users fees. No General Fund money goes into either of those funds and no General Fund money is required to fully fund the Pro Tempore Division. In fact, the County received a bonus of \$96,031 in FY 12/13 based solely on the existence of the Pro Tempore Division which is more than sufficient to pay for the County’s portion of another Superior Court Judge’s salary and employee related expenses.

A conceptual difficulty arises because the Judge Pro Tempore is not personally conducting the “front end” felony case processing. Each of our judges is well-suited to their current assignments and, specifically, Judge Beumler is doing a great job as the Juvenile Court Judge. Again, the “front end” felony case processing is only possible if the Pro Tempore Division continues to exist. If the Pro Tempore Division is eliminated, Division 5 will assume the juvenile caseload and the “front end” felony case processing will cease.